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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

James D. Murphey,)	No. CV-04-2430-PHX-MHM
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
TPS Enterprises, an Arizona general)	
partnership; Patrick J. Simeri and Pier)	
Simeri, husband and wife; Creative)	
Products, Inc., an Arizona corporation; and)	
Adapto, Inc., an Arizona corporation,)	
)	
Defendants.)	

The Plaintiff, James D. Murphey, has filed a Motion for Reconsideration of this Court's September 21, 2007 Order. (Dkt. #79). The Motion for Reconsideration, however, was not filed within ten days "after the date of the filing of the Order that is the subject of the motion" as required by L.R.Civ. 7.2(g). It was filed October 22, 2007, and challenges an Order issued on September 21, 2007. (Dkt. #79, 74). The Plaintiff has not shown good cause for the Court to consider the Motion despite the untimely filing.¹ L.R.Civ. 7.2(g).

Furthermore, the Plaintiff has failed to provide sufficient rationale for reconsideration in this case. Reconsideration is appropriate where: "(1) There are material differences in fact or law from that presented from that presented to the Court and, at the time of the Court's

¹In addition, the Court notes that the Plaintiff filed a timely notice of appeal, and that the matter is currently pending before the Federal Circuit.

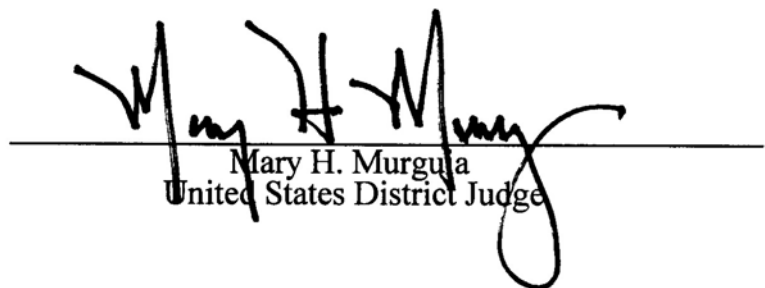
1 decision, the party moving for reconsideration could not have known of the factual or legal
2 differences through reasonable diligence; (2) There are new material facts that happened after
3 the Court's decision; (3) There has been a change in the law that was decided or enacted after
4 the Court's decision; or (4) The movant makes a convincing showing that the Court failed
5 to consider material facts that were presented to the Court before the Court's decision. No
6 motion for reconsideration shall repeat in any manner any oral or written argument made in
7 support of or in opposition to the original motion." Motorola Inc. v. J.B. Rogers Mechanical
8 Contractors, Inc., 215 F.R.D. 581, 586 (D. Ariz. 2003). The Plaintiff has failed to satisfy this
9 standard. Motions for reconsideration are not to be used for the purpose of asking a court "to
10 rethink what the court ha[s] already thought through — rightly or wrongly." Defenders of
11 Wildlife v. Browner, 909 F. Supp. 1342, 1351 (D. Ariz. 1995).

12 Accordingly,

13 **IT IS ORDERED** denying the Motion for Reconsideration. (Dkt. #79).

14 DATED this 27th day of June, 2008.

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Mary H. Murgula
United States District Judge